

UASBO

SPRING 2012

March 26, 2012

Jenefer Youngfield



H.B. 414 “School bonding for Seismic Purposes”



Requires:

- A school district to use a **portion** of the **proceeds of a general obligation bond to conduct or update a seismic safety evaluation** of a school district **building constructed before 1975.**



H.B. 414 “School bonding for Seismic Purposes” *Continued...*

Provides:

- A school district is **not required to conduct or update a seismic safety evaluation** of a building constructed before 1975 **if** the school district **performed a seismic safety evaluation** on the building **within 25 years of May 8, 2012.**



H.B. 503 “Construction Amendments”

- 53A-20-109
 - A contract for the construction of a school building shall contain a "differing site conditions clause" that addresses the rights of the parties when, after the contract is executed, site conditions are discovered that:



H.B. 503 “Construction Amendments” *Continued...*

- 53A-20-109
 - “*differing site conditions*” continued...
 - (1) the **contractor did not know existed, and could not have reasonably known** existed, at the time that the contract was executed; and
 - (2) **materially impacts the construction.**



H.B. 503 “Construction Amendments” Continued...

- Provides
 - That, **unless otherwise specified by contract, the interest rate applicable to a lien or bond claim is the statutory rate of 10% per year.**



H.B. 503 “Construction Amendments” Continued...

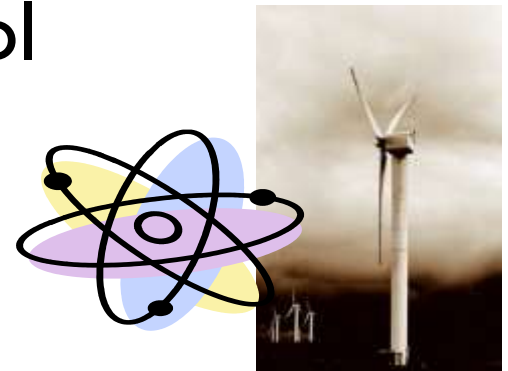
- This bill amends defines that a **temporary labor service company, a professional employer company or organization, a union trust fund, or any other entity that provides or collects for labor are not exempt from providing preliminary notice of a payment bond a lien.**



H.J.R. I “Sustainable Schools Joint Resolution”

Encourages:

- Utah State Board of Education to **consider the broader application of the design and construction practices for healthy, energy-efficient schools**, both for new construction and major renovation projects undertaken with school district funds.



H.J.R. I “Sustainable Schools Joint Resolution” Continued...

- School districts to **consider sustainable practices that can be incorporated effectively into school construction and operation.**



H.J.R. 1 “Sustainable Schools Joint Resolution” Continued...

- Implementing this resolution would also **place Utah schools on track to be among the first energy net-zero K-12 schools in the nation.**



SB 93 SI “Retention Records Revisions”

- This bill **modifies provisions relating to retention proceeds** (13-8-5 – account for retention proceeds separately and considered a benefit of the contactor and subcontractors); under a construction contract. It outlines retention proceeds limits and how this **money must be held separately in an interest-bearing account**, along with how this...



SB 93 SI “Retention Records Revisions” Continued...

- ... money must be accounted for; and limits the amount a local school board may retain until a school construction project is completed and accepted by the board up to 5% of the contract price (53a-20-101 – school boards retention amounts for construction contracts); ...



SB 93 SI “Retention Records Revisions” Continued...

- ...and adds county, city, town, school district (13-8-5), local district, special service district, or other political subdivisions to the definition of public agency. Language in the bill does not specifically address requirements for charter school construction retention.



S.B. 153 “Procurement Amendments”

- This bill recodifies and amends the Utah Procurement Code and becomes effective May 1, 2013. Language describes requirements and procedures relating to procurements by public entities, including applicability and exemptions from certain provisions of the Procurement Code.



S.B. 153 “Procurement Amendments” *Continued...*

- **Duties and powers** of the Division of **Purchasing** and General Services, the State **Procurement Policy Board** (63G-6a-202) and the procurement **advisory** councils, the **state chief procurement officer** (63G-6a-103);
- Language addressing **cancellations, rejections, and debarment** (63G-6a-901);
- **Reciprocal preferences** (63G-6a-1002);



S.B. 153 “Procurement Amendments” *Continued...*

- Purchases from community rehabilitation programs;
- **Bid security and bond** requirements(63G-6a-1101-1105);
- **Contracts and change orders** (63G-6a-1201-1207);
- Construction procurement and contracts;
architect-engineering services
(63G-6a- 501);



S.B. 153 “Procurement Amendments” Continued...

- **Limits information selection committee members may have about procurement proposals (63G-6a-707), including costs;**
- **Allows the use of multi-year contracts with restrictions (63G-6a-1204);**
- **Retention of records (63G-6a-2002);**
- **Requests For Information (RFI) (63G-6a-501);**



S.B. 153 “Procurement Amendments” *Continued...*

- **Multi-stage bidding** (63G-6a-609);
- **Reverse auctions** (63G-6a-610);
- Transitional costs when changing providers (63G-6a-802);
- **Contractors and subcontractors** must **maintain books and records** related to the construction cost and pricing data of projects (63G-6a-1206-7b and 7c);



S.B. 153 “Procurement Amendments” *Continued...*

- Addresses **interaction between public procurement units**;
- Allows **circumstances** in which an **appeals board** may be **established**;
- Defines a **"local public procurement unit"** (63G-6a-104) and the **"head of a public procurement unit"** (63G-6a-103) — which **includes school districts and charter schools, or designees for charter schools**;



S.B. 153 “Procurement Amendments” *Continued...*

- Adds the requirement of **making available to the public a written record of all procurements for an expenditure of \$50 or more** (63G-6a-2002);
- Procedures, requirements, and limitations relating to **controversies, protests, appeals, and judicial action** (63G-6a Part 16);
 - Outlines **criteria** for which **each proposal shall be evaluated** (63G-6a-707);



S.B. 153 “Procurement Amendments” Continued...

- Utah Code 63G-6a-408: **Small purchases:**
 - Rulemaking authority may make rules governing small purchases.*
 - **May not use the small purchase procurement process for ongoing, continuous, and regularly scheduled procurements.**



* *May not be less restrictive than state procurement code.*

S.B. 153 “Procurement Amendments” Continued...

- Utah Code 63G-6a-2305: Penalties for **artificially dividing a purchase:**
 - A person who violates Subsection 63G-6a-408 is guilty of:
 - (1) a felony of the second degree if the total value of the divided procurements is \$1,000,000 or more;
 - (2) a felony of the third degree if the total value of the divided procurements is \$250,000 or more, but less than \$1,000,000;
 - (3) a class A misdemeanor if the total value of the divided procurements is \$100,000 or more, but less than \$250,000;
 - or
 - (4) a class B misdemeanor if the total value of the divided procurements is less than \$100,000.



S.B. 153 “Procurement Amendments” *Continued...*

- Requires an **informal cost-benefit analysis** (63G-6a-708) to be included with the selection announcement, for **contracts awarded to other than the lowest cost offer, and** if the **difference between the cost of the accepted proposal and the lowest proposal exceeds the greater of \$10,000 or 5% of the lowest cost offer.**
- Language provisions **allow LEAs to form their own appeals board.**



S.B. 153 “Procurement Amendments” Continued...

- **Allows construction manager/general contractor or design-build (63G-6a-1302) contracts to include provisions for obtaining a site for the construction.**
- **LEAs entering into design-build or construction manager/general contractor contracts would be allowed to include provisions by the contractor for operations, maintenance and financing.**



S.B. 153 “Procurement Amendments” *Continued...*

- Utah Code 63G-6a-Part 22: Establishes ethical provisions relating to procurements and requiring compliance with the American Bar Association 2000 “Model Procurement Code.”



S.B. 153 “Procurement Amendments” Continued...

- Utah Code 63G-6a-Part 23: **Amends existing and enacts new criminal provisions and penalties relating to procurements including: unlawful conduct, gratuities, penalties and voiding contracts.**



S.B. 153 “Procurement Amendments” *Continued...*

- Utah Code 11-17-20: To the extend it **does not conflict with more restrictive requirements set by the State Board, school districts and charter schools are required to follow the Utah Procurement Code.**



Surplus Property Amendments SB 273

- **Bill language modifies the provision relating to surplus school district property by allowing a broader group to acquire school district surplus property (53a-2-403 allows three more groups). The added purposes surplus property may be used by an eligible entity are: (1) a facility for the promotion, creation, or retention of public or private jobs within the state through planning,...**



Surplus Property Amendments

SB 273 Continued...

...design, development, construction, rehabilitation, business relocation within a county, city, or town; (2) as an office, industrial, manufacturing, warehousing, distribution, parking, or other public or private facility or for other improvements that benefit the state or a county, city, or town; or (3) **a facility for an approved charter school applicant.**



Compliance and Assurances

- Fire Drills
- Other Emergency (Earthquake and School Violence) Drills

Compliance & Assurances Statement for the 2011-12 School Year

The Utah public local education agency identified below herewith indicates its compliance with the following safety requirements Administrative Rule R277-108-6 (see Page 2)

☐ Fire Drills — Utah Administrative Code 15A-5-203

http://le.utah.gov/~code/TITLE15A/htm/15A05_020300.htm

☐ Other Emergency (Earthquake and School Violence) Drills — Utah Administrative Code R277-400

<http://www.rules.utah.gov/publicat/code/r277/r277-400.htm>

please contact Jennifer Youngfield: Jennifer.Youngfield@schools.utah.gov or (801) 538-7669 with any questions concerning these requirements

with the following publication requirements:

☐ Public Meetings Notice — made all postings of announcements and documents to www.utah.gov/pmn according to Utah Code 52-4-404. <http://le.utah.gov/Utah/Code/section.jsp?code=52-4>

☐ Transparency — made all postings of data to transparent.utah.gov according to Utah Code 63A-3-404. http://le.utah.gov/~code/TITLE63A/htm/63A03_040400.htm

and with the following financial requirement:

☐ Federal Education Agreement Approval — according to Utah Code 53A-1-906 & 907

http://le.utah.gov/~code/TITLE53A/htm/53A01_090600.htm or

http://le.utah.gov/~code/TITLE53A/htm/53A01_090700.htm

Please mark NA if the Agreement approval does not apply. Please contact Carol Lear: (801) 538-7835 Carol.Lear@schools.utah.gov with any questions concerning these publication and financial requirements

and provides assurance that it has submitted correct data to the Utah State Office of Education via each of the following data collections:

☐ CACTUS (educator data) — year end update according to the specifications at <http://www.schools.utah.gov/cactus/>

☐ Data Clearinghouse (student data) — year end upload according to the specifications at <http://schools.utah.gov/data/Educational-Data/Other-Resources.aspx>

☐ Year End Web Survey (school and agency data) — according to the specifications at <http://schools.utah.gov/data/Educational-Data/Other-Resources.aspx>

An explanation of any items not checked must be included.

Name of District or Charter School

Signature of District Superintendent or Charter School Equivalent

Signature of District Business Administrator or Charter School Equivalent

Please fax (801-538-7845) a completed copy of this form, by July 16, 2012, to the attention of: Kristin Campbell

Administrative Rule R710-4-3

Fire Drills 3.1 *(from 2011 Legislative Session* *- HB 203 – Codification of Construction and Fire Codes)*

3.1.1 IFC, Chapter 4, Section 405.2, Table 405.2, is amended to add the following footnotes:

- e. Secondary schools in Group E occupancies shall have an **emergency evacuation drill for fire conducted at least every two months**, to a **total of four emergency evacuation drills** during the **nine-month school year**. The **first emergency evacuation drill for fire** shall be conducted...

Administrative Rule R710-4-3

Fire Drills 3.1 *(from 2011 Legislative Session* *- HB 203 – Codification of Construction and Fire Codes)*

3.1.1 IFC, continued...



...**within 10 school** days of the beginning of classes, and the **third emergency evacuation drill** for fire shall be **conducted within 10 school days after the beginning of the next calendar year.** The **second** and **fourth emergency evacuation drills may be substituted by a security or safety drill** to include shelter in place, earthquake drill or lock down for violence.

Administrative Rule R710-4-3

Fire Drills 3.1 *(from 2011 Legislative Session* *- HB 203 – Codification of Construction and Fire Codes)*

3.1 Fire Drills continued...

- f. In Group **E occupancies, excluding secondary schools**, ~~[if the AHJ approves,]~~ the **monthly required emergency evacuation drill** ~~[can]~~ may be **substituted by a security or safety drill to include shelter in place, earthquake drill or lock down for violence**. The routine emergency evacuation drill for fire must be conducted at least every other evacuation drill.

Note: strikethrough language reflects deletions made in Administrative Rule from Code

Utah Shakeout

- April 17, 18 and 19, 2012
- This will involve (voluntarily) state agencies, county and city agencies, school districts, FEMA, federal installations and agencies, the private sector, etc.



Utah ShakeOut



Scenario



FEMA



12 County Region



- Population of 2,148,078 people (2005 Census Bureau data)
- 27,583 square miles
- Over 666,000 households



FEMA



Critical Facility Inventory

- Essential facilities:
 - 39 hospitals with a total bed capacity of 4,605 beds
 - 853 schools
 - 212 fire stations
 - 89 police stations



FEMA



CRITICAL FACILITIES DAMAGED

- **Hospitals:** 16 (of 39) damaged
 - Of the 4,605 hospital beds available for use only 1,934 hospital beds (42%) are available for use by patients already in the hospital and those injured by the earthquake
- **Schools:** 105 (of 853) damaged
- **EOCs:** 25% damaged
- **Police Stations:** 4 (of 89) damaged
- **Fire Stations:** 18 (of 212) damaged



FEMA



97,700

HOUSEHOLDS DISPLACED

- 62,328 people seek temporary shelter in public shelters
- Over 200,000 seek shelter on their own



FEMA



USOE – Facilities Forms

- New fillable (online) pdf forms for construction reporting.
 - SP-4
 - SP-8
 - SP-9
 - SP-11




USOE – Facilities Forms

Continued...

● SP-4

- Preliminary Information on Proposed School Facility Construction



 **Utah State Office of Education**
School Finance and Statistics
250 East 500 South
PO Box 144200
Salt Lake City, Utah 84114-4200
SP - 4 FORM

3025 08-2009-05
Revised March 1, 2012

Reset Form
Print Form
Save Form
Submit by Email

PRELIMINARY INFORMATION ON PROPOSED SCHOOL FACILITIES CONSTRUCTION*

1. School Name: _____ Grades Housed: _____
2. School Address: _____
3. School District: _____
4. School District Building Official/Charter School Building Officer: _____
5. Date: _____

6. Type of Project: ☐ Complete New School ☐ New Building(s) ☐ Addition ☐ Remodel
☐ New Location ☐ Existing Location ☐ Maintenance/Repair

Total Square Footage: New Location _____ Remodeled _____

7. Architect/Engineer (Firm Name): _____
Project Lead Architect: _____
Address: _____
Telephone: _____ Fax: _____
E-mail Address: _____

8. Lead ICBO licensed inspector of record: _____ License #: _____
List inspector's name above, not the company providing service. If the inspector listed above is not combination

9. Certified Plan Review Performed by: _____
10. Structural Peer Review Performed by (when structural design is involved): _____
11. Funding source(s) *please list all: _____
Will state building aid be used in financing this project?
☐ Yes ☐ No If yes, what type? _____

12. Preliminary cost estimate: _____ Estimated completion date: _____

Please submit all documentation to: Utah State Office of Education
Jenefer Youngfield, School Construction Inspection Specialist
School Finance and Statistics
250 East 500 South
PO Box 144200
Salt Lake City, UT 84114 4200
Phone: (801) 538-7669; FAX: (801) 538-7729 E-Mail: jenefer.youngfield@schools.utah.gov

* This completed form must be included (electronically or physically) when a facility construction project proposal is initially submitted to the State Office of Education, in accordance with Administrative Rule R277-437 "Ownership of School Inspection", as passed on May 5, 2009.

1 (Facilities) SP-4 and SP-4a forms updated


USOE – Facilities Forms

Continued...

SP-8

- Construction Inspection Summary Report

SP-8 Construction Inspection Summary Report

 School District/Charter School _____
 (For all projects exceeding \$99,999, and those funded with Federal monies)

Inspections for Month of: _____ Year: _____ USOE Project Number: _____

Job Name/Description: _____ Form Completed by: _____
 Title: _____
 Address: _____ State License Number: _____
 General Contractor: _____ Discipline: _____

Total Number of Inspections for Period:

Bldg./Arch.	Inspector Name	Insp. Date	Notes	Structural	Inspector Name	Insp. Date	Notes
Accessibility				Stairs/Walkways			
Ceilings Susp.				Columns			
Consp. Comp.				Decking			
Drywall/Paint				Footings			
Fireproofing				Formwork			
Insulation				Foundation			
Roofing				Framing			
Slab on Grade				Masonry			
Susp. Slab				Seal			
Waterproofing				Plumbing			
Mechanical				Compressed Air			
Air Tests				Chimney/Flue			
Boiler				Drain/Waste/Vent			
Chiller				Fire Sprinkler Heads			
Controls				Fire Sprinkler Pumps			
Duct Insulation				Gas			
Ductwork				Roof Drain			
Equipment				Rough Plumbing			
Hydraulic Test/Repair				Sanitary Sewer			
Piping Insulation				Water Service Testing			
Pumps				Other/Special Insp.			
Refrigeration				Elevators			
Roofing Units				Final Grade			
Rough Mechanical				Hydant Lines			
Electrical				Irrigation			
Computer Cable				Play Equipment			
Fire Alarm				Portable Classrooms			
Lighting				Pressure Vessels			
Low Voltage				Special Inspection			
Panels				State/Federal Inspector			
Power Service				State Fire Marshall			
Rough Electrical				Storm Drain			
Security/Energy				Water Service			
Sound				4-Way Inspection			
Telephone Cable							

☐ By submitting this form, I verify that all required inspections and testing were performed by individuals appropriately certified and/or licensed to do so, while adhering to all applicable local, state, and federal statutes/laws, codes, rules, and guidelines.

Building Official: _____ Date: _____



USOE – Facilities Forms

Continued...

● SP-9

- *Final Inspection Certificate*



SP-9 Final Inspection Certificate

School District/Charter School

This is to Certify that
Final inspections have been completed and work has been accepted
For
(Name of Building)

In Accordance with the State Adopted Building Code (58-58-4 UCA)

Job Name/Description: USOE Project Number:
Address: Building Official Name:
General Contractor:

Date:

Print Form
Submit by Email

Form SP-9
Revised March 2012

Final Inspections Completed and Accepted (please check)					
Bldg./Arch.	Structural	Mechanical	Plumbing	Electrical	Other/Special Insp.
<input type="checkbox"/> Accessibility	<input type="checkbox"/> Bats/Walls/Venue	<input type="checkbox"/> Air Tests	<input type="checkbox"/> Compressed Air	<input type="checkbox"/> Computer Cable	<input type="checkbox"/> Elevators
<input type="checkbox"/> Ceilings Susp.	<input type="checkbox"/> Columns	<input type="checkbox"/> Boiler	<input type="checkbox"/> Gallery/Electrics	<input type="checkbox"/> Fire Alarm	<input type="checkbox"/> Final Grade
<input type="checkbox"/> Compaction	<input type="checkbox"/> Decking	<input type="checkbox"/> Chiller	<input type="checkbox"/> Drain Waste Vent	<input type="checkbox"/> Lighting	<input type="checkbox"/> Hydrant Lines
<input type="checkbox"/> Drywall/Paint	<input type="checkbox"/> Footings	<input type="checkbox"/> Controls	<input type="checkbox"/> Fire Sprinkler Heads	<input type="checkbox"/> Low Voltage	<input type="checkbox"/> Irrigation
<input type="checkbox"/> Fireproofing	<input type="checkbox"/> Formwork	<input type="checkbox"/> Duct/Insulation	<input type="checkbox"/> Fire Sprinkler Riser	<input type="checkbox"/> Panels	<input type="checkbox"/> Play Equipment
<input type="checkbox"/> Insulation	<input type="checkbox"/> Foundation	<input type="checkbox"/> Dustwork	<input type="checkbox"/> Gas	<input type="checkbox"/> Power Service	<input type="checkbox"/> Portable Classroom
<input type="checkbox"/> Roofing	<input type="checkbox"/> Framing	<input type="checkbox"/> Equipment	<input type="checkbox"/> Roof Drain	<input type="checkbox"/> Rough Electrical	<input type="checkbox"/> Pressure Vessels
<input type="checkbox"/> Slab on Grade	<input type="checkbox"/> Masonry	<input type="checkbox"/> Hydraulic Test Piping	<input type="checkbox"/> Rough Plumbing	<input type="checkbox"/> Security/Energy	<input type="checkbox"/> Special Inspection
<input type="checkbox"/> Susp. Slab	<input type="checkbox"/> Steel	<input type="checkbox"/> Piping Insulation	<input type="checkbox"/> Sanitary Sewer	<input type="checkbox"/> Sound	<input type="checkbox"/> State Boiler Inspector
<input type="checkbox"/> Waterproofing	<input type="checkbox"/> Final Structural	<input type="checkbox"/> Pumps	<input type="checkbox"/> State System Testing	<input type="checkbox"/> Telephone Cable	<input type="checkbox"/> State Fire Marshall
<input type="checkbox"/> Final Building		<input type="checkbox"/> Refrigeration	<input type="checkbox"/> Final Plumbing	<input type="checkbox"/> Final Electrical	<input type="checkbox"/> Storm Drain
		<input type="checkbox"/> Rooftop Units			<input type="checkbox"/> Water Service
		<input type="checkbox"/> Rough Mechanical			<input type="checkbox"/> 4 Way Inspection
		<input type="checkbox"/> Final Mechanical			<input type="checkbox"/> Final Other/Special

State Licensed Certified Inspectors Certifying Above Final Inspections:

Building/Architectural:		
Name:	State License Number:	Discipline:
Structural:		
Name:	State License Number:	Discipline:
Mechanical:		
Name:	State License Number:	Discipline:
Plumbing:		
Name:	State License Number:	Discipline:
Electrical:		
Name:	State License Number:	Discipline:
Other/Special:		
Name:	Agency:	Comment:

☐ I certify that all required inspections have been completed by the appropriate certified and/or licensed individuals as required by all local, state, and federal statutes/laws, codes, rules, and guidelines.

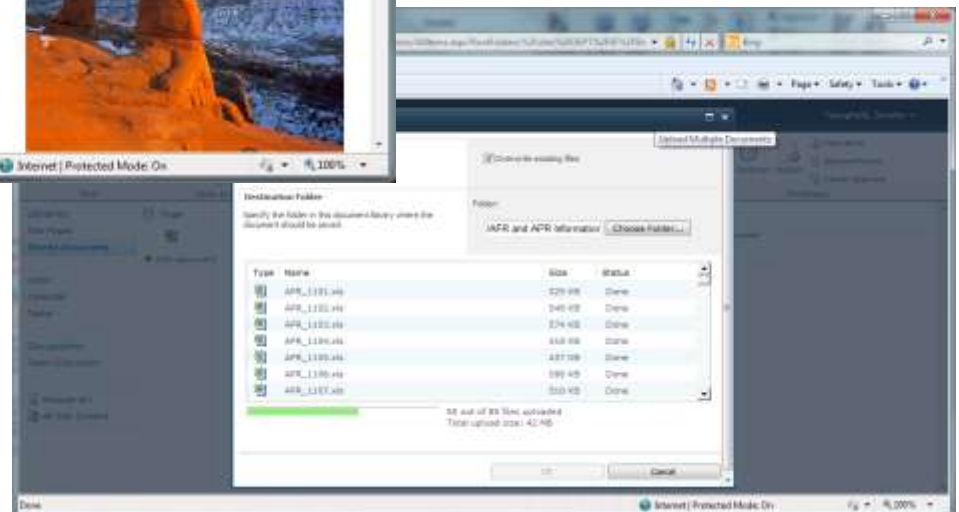
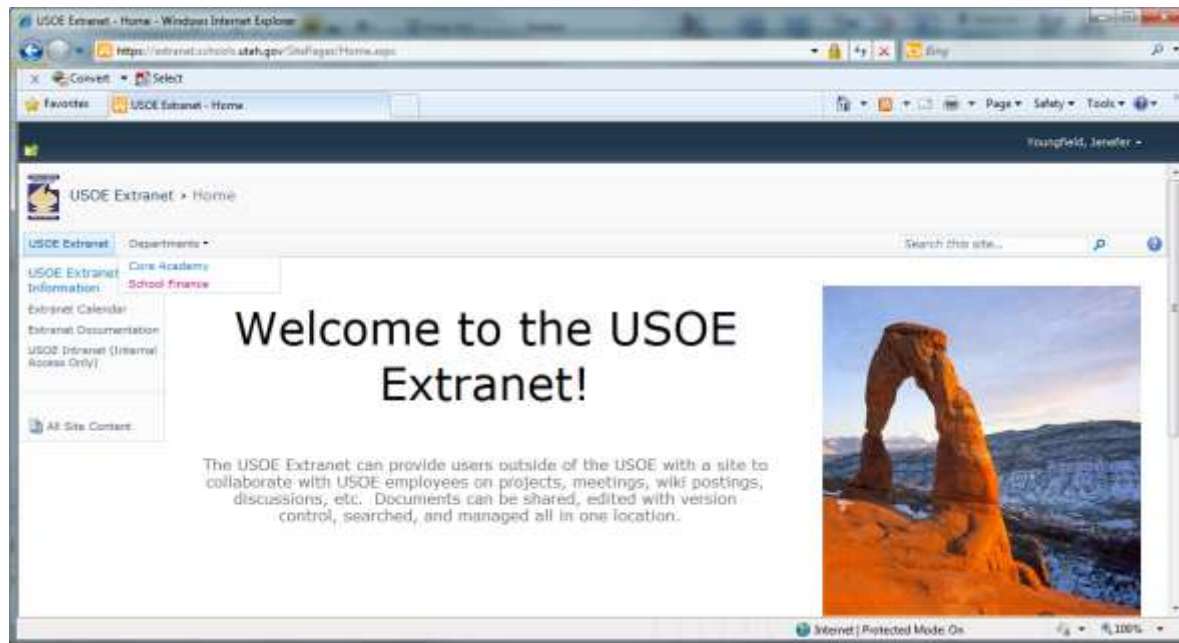
Building Official:

● SP-11

- 
- Three green apples are shown, likely representing the 'green' in the 'red, white, and green' color scheme mentioned in the text.

SP-7) School Construction Certificate of Verification and Performance Evaluation - Page 1 of 6 Page 2 of 6 Page 3 of 6 Page 4 of 6 Page 5 of 6 6 of 6

USOE Extranet



Questions/Comments



Additional Bills of Interest

HB0100 – Social Worker Examination Amendments – David Litvack

HB0118 Storage of Electronic Records – Bradley M Daw

HB0131 Liens for Preconstruction Service and Construction Work – Michael T. Morley

HB0137 Energy Changes – Roger E. Barrus

HB0153 Diversion of Water – Joel K. Briscoe

HB0189 Asbestos Requirements – Larry B. Wiley

HB0195 Petroleum and Underground Storage Tank Fees – Gregory H. Hughes

HB0214 Professional Employer Organization Licensing Act Amendments – James A.

Dunnigan

HB0223 Retention of Evidence Amendments – Bradley R. Wilson

HB0245 S3 Amendment to Definition of Smoking In Indoor Clean Air Act - Bradley G.

Last

HB0259 Municipal Administrative Proceedings – Kraig Powell

HB0273 Municipal and County Development Standards – Brad R. Wilson

HB0298 S3 Motor Vehicle Amendments – John Dougall

HB0305 S1 Construction Code Amendments – Gage Froerer

HB0317 Traffic Safety Amendments – Don L. Ipson



Additional Bills of Interest

Continued...

HB0323 S1 Sales and Use Tax Collection Amendments – David G. Butterfield

HB0343 Underground Storage Tank Amendments – Kay L. McIff

HB0348 S1 Hazardous Waste Amendments – Ronda Rudd Menlove

HB0395 S1 Firearms Amendments – Steven E. Sandstrom

HB0485 S1 Change Application Amendments – Ryan D. Wilcox

HB0502 S6 Incorporation Amendments – Melvin Brown

SB0021 S1 Department of Environmental Quality Boards Revisions – Margaret Dayton

SB092 S1 – Department of Commerce License Related Amendments – Karen Mayne

SB 116 S1 Ballot Propositions – Scott K. Jenkins

SB 118 Transferable Development Rights – Wayne Niederhauser

SB 120 – Off Duty Peace Officer's Employment – Margaret Dayton

SB0137 Financial Transparency Website – Wayne L. Niederhauser

SB0140 Liquefied Petroleum Gas Amendments - Curtis S. Bramble

SB0145 State Building Board Amendments – J. Stuart Adams

SB0147 Emergency Vehicle Amendments – Daniel W. Thatcher

SB0150 S1 Local and Special Service District Amendments – Jerry W.

Stevenson

SB0166 Statutory Construction – Computation of Time – John L. Valentine

